court, in which event the action will be restored.

DATED:

New York, New York

James 31, 2008 February 6

FRANK MAAS

United States magistrate Judge

DLA Piper US LLP Attorneys for Plaintiff 1999 Avenue of the Stars Los Angeles, CA 90067

Agreed and Consented to:

Albert K. Lawler Paykin Mahon Rooney & Krieg LLP Attorneys for Defendant 185 Madison Ave. 10<sup>th</sup> floor New York, NY 10016

Agreed and Consented to: